

REMARKS

The present application has been reviewed in light of the Final Office Action mailed January 13, 2009. Claims 31-60 remain pending in the application. By the present amendment Applicants have amended claims 31, 45, 52, 55 and 56. Entry of the present amendment prior to examination of the present application is respectfully requested.

Claims 31-37, 41, 43-50, 52, and 56-59 were rejected under 35 U.S.C. 103(a), as being obvious over U.S. Patent No. 3,653,389 to Shannon (hereinafter, "Shannon") in view of U.S. Patent No. 3,363,628 to Wood (hereinafter, "Wood"). Applicant respectfully submits that Shannon in view of Wood fails to disclose each and every element recited in independent claims 31, 45, 52 and 56.

Applicant respectfully submits that each of independent claims 31, 45, 52 and 56, as amended herein, are allowable over Shannon in view of Wood because Shannon in view of Wood fails to disclose or suggest all the elements of independent claims 31, 45, 52 and 56.

Claim 31 recites a surgical clip applying apparatus including, *inter alia*, a handle portion including a moveable handle and a stationary hand grip; claim 45 recites surgical clip applying apparatus including, *inter alia*, an elongated body portion rotatably mounted to and extending from the handle portion; and claims 52 and 56 recite, *inter alia*, a surgical clip applier having an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

According to the Examiner, Shannon discloses the invention substantially as claimed, except for the jaws defining a channel oriented substantially along a respective longitudinal axis thereof. The Examiner relies on Wood to teach the modification of the jaw member in this manner.

In contrast, with reference to the figure reproduced below, Shannon discloses, as seen in FIG. 2 below, disposable forceps "F" including arms 1 which are connected together at inner ends by a connecting section 2. Ribs 11 are disposed along the outer surfaces of straight sections 5 to provide engaging areas for an operator to normally engage the forceps between the thumb and forefinger of an operator. Thus, Shannon does not disclose a handle portion including a movable handle and a stationary hand grip, as recited in independent claim 31. Further, Shannon does not disclose an elongated body portion rotatably mounted to and extending from the handle portion, as recited in independent claim 45, or a body portion including a rotation collar for rotating the body portion relative to the handle portion, as recited in claims 52 and 56.

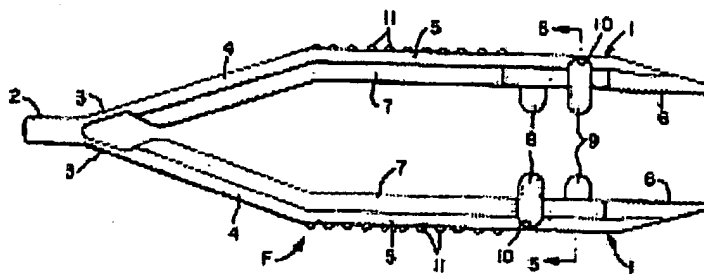


FIG. 2 of Shannon

Applicant respectfully submits that Wood fails to cure the deficiencies of Shannon in that Wood also fails to show, teach or disclose a clip applying apparatus including a handle portion having a moveable handle and a stationary grip, a clip applying apparatus having an body portion rotatably mounted to and extending from the handle portion, or a clip applying apparatus having a body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion, as recited in independent claims 31, 45, and 52 and 56, respectively. Rather, Wood merely discloses or shows a pair of jaws 19 and a clip 25 formable by the pair of jaws 19,

Accordingly, in view of the foregoing, Applicant respectfully submits that each of independent claims 31, 45, 52, and 56 is not obvious under 35 U.S.C. § 103(a) over Shannon in view of Wood.

Since claims 32-37, 41, 43 and 44 depend, directly or indirectly, from claim 31, and since claims 46-50 depend, directly or indirectly, from claim 45, and since claims 57-59 depend, directly and indirectly, from claim 56, for at least the reasons presented above for the patentability of claims 31, 45, 52, and 56, Applicant respectfully submits that claims 32-37, 41, 43, 44, 46-50, and 57-59 are also patentable over Shannon in view of Wood.

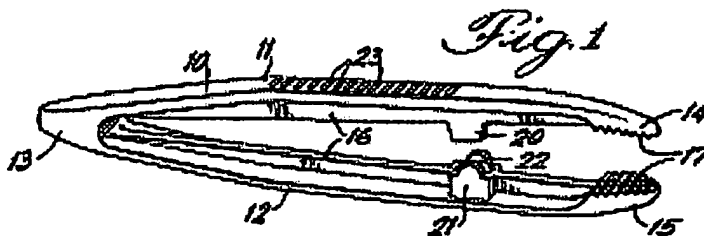
Claims 31, 38, 42, 45, 47, 51, 56, 57 and 60 were rejected under 35 U.S.C. 103(a), as being obvious over U.S. Patent No. 3,140,715 to Whitton, Jr. et al. (hereinafter, "Whitton, Jr.") in view of Wood. Applicant respectfully submits that Whitton in view of Wood fails to disclose each and every element recited in independent claims 31, 45 and 56.

Applicant respectfully submits that each of independent claims 31, 45 and 56, as amended herein, are allowable over Whitton in view of Wood because Whitton in view of Wood fails to disclose or suggest all the elements of independent claims 31, 45, and 56.

As stated above, independent claim 31 recites a surgical clip applying apparatus including, *inter alia*, a handle portion including a moveable handle and a stationary hand grip; claim 45 recites surgical clip applying apparatus including, *inter alia*, an elongated body portion rotatably mounted to and extending from the handle portion; and, claim 56 recites, *inter alia*, a surgical clip applier having an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

According to the Examiner, Whitton Jr. discloses the invention substantially as claimed, expect for the jaws defining a channel oriented substantially along a respective longitudinal axis thereof. The Examiner relies on Wood to teach the modification of the jaw members in this manner.

Applicant submits that in contrast to the present disclosure, with reference to FIG. 1 of Whitton reproduced hereinbelow, that Whitton discloses a pair of forceps having upper and lower arms 11 and 12. A pair of corresponding ends of the arms are secured together by a connecting portion 13 and the opposite ends of the arms are provided with jaws 14 and 15. The outer surface of the arms 11 and 12 are provided with transverse ridges 23 so that the instrument may be firmly gripped and easily manipulated by a user.



Thus, Whitton does not disclose a handle portion including a movable handle and a stationary hand grip, as recited in independent claim 31. Further, Whitton does not disclose an elongated body portion rotatably mounted to and extending from the handle portion, as recited in independent claim 45, nor a body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion, as recited in claim 56.

Applicant respectfully submits that Wood fails to cure the deficiencies of Whitton in that Wood, as stated above, also fails to show, teach or disclose a clip applying apparatus including a handle portion having a moveable handle and a stationary hand grip, a clip applying apparatus having an body portion rotatably mounted to and extending from the handle portion, or a clip applying apparatus having a body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion, as recited in independent claims 31, 45 and 56, respectively. Accordingly, in view of the foregoing, Applicant respectfully submits that each of independent claims 31, 45, and 56 is not obvious under 35 U.S.C. § 103(a) over Whitton in view of Wood.

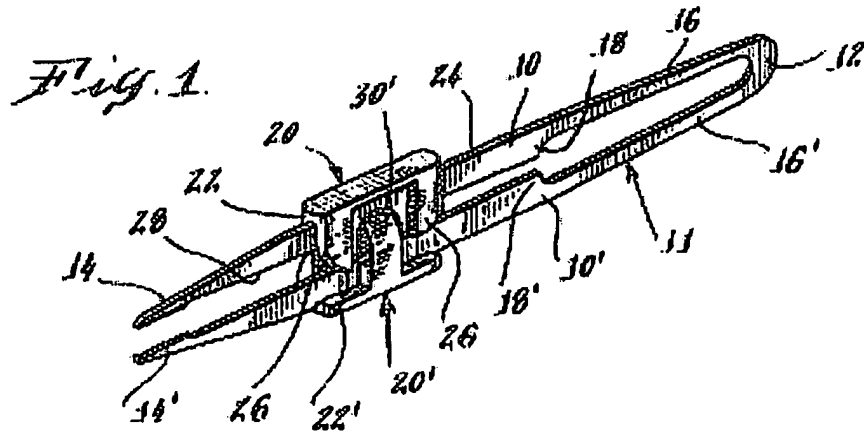
Since claims 38 and 42 depend, directly or indirectly, from claim 31, and since claims 47 and 51 depend, directly or indirectly, from claim 45, and since claims 57 and 60 depend, directly and

indirectly, from claim 56, for at least the reasons presented above for the patentability of claims 31, 45, 52, and 56, Applicant respectfully submits that claims 32-37, 41, 43, 44, 46-50, and 57-59 are also patentable over Shannon in view of Wood.

Claims 31, 33, 39, 40 and 52-54 were rejected under 35 U.S.C. § 103(a), as being obvious over U.S. Patent No. 4,318,313 to Tartaglia (hereinafter, "Tartaglia") in view of Wood. According to the Examiner, Tartaglia discloses the invention substantially as claimed, except for the jaws defining a channel oriented substantially along a respective longitudinal axis thereof. The Examiner again relies on Wood to teach the modification of the jaw member in this manner.

Applicant respectfully submits that each of independent claims 31 and 52, as amended herein, and as substantially recited above, is allowable over Tartaglia in view of Wood because Tartaglia in view of Wood fails to disclose or suggest all the elements of independent claims 31 and 52.

In contrast, with reference to FIG. 1 reproduced hereinbelow, Tartaglia discloses a forceps including a pair of elongated arms 10, 10' integral with an end section 12. Arms 10, 10' and their integral end section 12 form an elongated U-shaped tweezer-like spring element 11. In order to facilitate manipulation of the forceps, finger pieces 20, 20' are mounted on the mid-portions 18, 18' of arms 10, 10' at a suitable distance rearward of their tips 14, 14'.



Thus, Tartaglia does not disclose a handle portion including a movable handle and a stationary hand grip, as recited in independent claim 31, or an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion, as recited in independent claim 52.

As discussed above, Wood fails to cure the deficiencies of Tartaglia in that Wood also fails to show, teach or disclose a clip applying apparatus including a handle portion having a moveable handle and a stationary hand grip, or a clip applying apparatus having a body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion, as recited in independent claims 31 and 52, respectively.

Accordingly, in view of the foregoing, Applicant respectfully submits that each of independent claims 31 and 52 is not obvious under 35 U.S.C. § 103(a) over Tartaglia in view of Wood.

Since claims 33, 39 and 40 depend, directly or indirectly, from claim 31, and since claims 53 and 54 depend, directly or indirectly, from claim 52, for at least the reasons presented above for the patentability of claims 31 and 52, Applicant respectfully submits that claims 33, 39, 40, 53 and 54 are also patentable over Tartaglia in view of Wood.

Claim 55 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Shannon. Applicant respectfully submits that independent claim 55, as amended herein, is allowable over Wood in view of Shannon because Wood in view of Shannon fails to disclose or suggest all the elements of independent claim 55.

Independent claim 55 recites a method for applying surgical clips and performing blunt dissection of tissue including, *inter alia*, the step of providing a surgical clip applier for applying surgical clips, which surgical clip applier includes a handle portion including a moveable handle, an elongated body portion rotatable mounted to and extending from the handle portion, and a jaw blade supported on a distal end of the elongated body and being selectively closed upon an actuation of the moveable handle.

As discussed above, neither Wood nor Shannon, individually or in any proper combination, show, teach or disclose the features of independent claim 55. Accordingly, in view of the foregoing, Applicant respectfully submits that claim 55 is not obvious under 35 U.S.C. § 103(a) over Wood in view of Shannon.

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Filing Date: October 1, 2004
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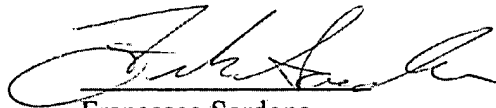
**Response to Final Office Action
mailed January 13, 2009**

In view of the foregoing amendments and remarks, Applicant respectfully submits that each of the rejections of the claims in the present Office Action has been overcome and pending claims 31-60 are believed to be in condition for allowance.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of all pending claims is earnestly solicited.

Respectfully submitted,



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